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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

Adam Heggen, an individual

Plaintiff,

V.

Heavenly Valley, Limited Partnership; and
Does 1-10, inclusive;

Defendants.

Case No. 2:21-cv-00107-WBS-DB

**JOINT STATUS REPORT AND REQUEST
TO CONTINUE STATUS CONFERENCE;
ORDER**

RELATED TO: 2:21-CV-01260 WBS DB
2:21-CV-01608 WBS DB
2:21-CV-02251 WBS DB

Complaint Filed: October 21, 2020
Date Removed: January 21, 2021
District Judge: Hon. William B. Shubb
Courtroom 5, Sacramento
Magistrate Judge: Hon. Deborah Barnes
Courtroom 27, Sacramento

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1 **TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD**

2 Pursuant to Federal Rules of Civil Procedure 16, 23(e), and 41(a), plaintiff Adam Heggen
3 ("Plaintiff") and defendant Heavenly Valley Limited Partnership ("Defendant" or "Heavenly")
4 (collectively "the Parties") hereby submit this joint status report regarding the status of the case and
5 settlement approval process in this Action and four other related cases: *Gibson v. The Vail*
6 *Corporation*, Case No. 2:21-cv-01260-WBS-DB (E.D. Cal.) ("Gibson"); *Hamilton v. Heavenly*
7 *Valley, Limited Partnership*, 2:21-cv-01608-WBS-DB (E.D. Cal.) ("Hamilton I"); *Hamilton v.*
8 *Heavenly Valley, Limited Partnership*, SC20210148 (El Dorado County Superior Court)
9 ("Hamilton II"); and *Roberds v. The Vail Corporation et al.*, Case No. 2:21-cv-02251-WBS-DB
10 ("Roberds"), as follows:

11 WHEREAS, on December 28, 2021, the Parties executed a formal, long-form Settlement
12 Agreement that fully and finally resolves all claims in the Action, pending court approval, as well
13 as claims pled in related cases *Hamilton I*, *Gibson*, *Hamilton II*, and *Roberds* ("the Settlement");

14 WHEREAS, after considering all final approval papers, all objections to the Settlement, ,
15 and oral argument from objectors at a hearing on June 17, 2022, and the arguments of counsel and
16 other individuals at a final approval hearing on August 19, 2022, the El Dorado County Superior
17 Court entered an Order in the *Hamilton II* action on August 19, 2022 granting Plaintiffs' Motion
18 for Final Approval of the Settlement ("Final Approval Order").

19 WHEREAS the Final Approval Order made the following findings concerning the
20 Settlement, which covers the claims in this Action, among others:

21 • The Settlement is fair, adequate and reasonable;
22 • The distribution of the Notice to effectuate the Settlement has been completed in
23 conformance with the El Dorado Superior Court's February 1, 2022 Order Granting
24 Preliminary Approval; the El Dorado Superior Court's March 8, 2022 Order
25 Extending Time to Issue Notice of Class Settlement; and the El Dorado Superior
26 Court's Order Granting Plaintiffs' Unopposed Ex Parte Application to Permit
27 Dissemination of a Supplemental Text Message Notice and to Extend the Response
28 Deadline to May 20, 2022;

- The Notice was adequate, satisfied due process requirements, and was the best notice practicable under the circumstances;
- The Settlement Agreement is binding on all Settlement Class Members who have not timely opted out.
- A Class is certified for settlement purposes only, which is defined as all non-exempt employees who at any time during the Covered Period worked for and were employed by Vail (including Defendant in this action) in the United States and worked primary at one of its resort locations or mountain facilities, with limited exclusions.
- Judgment is entered.
- El Dorado Superior Court will retain jurisdiction over the Parties to enforce the terms of the Judgment pursuant to California Rule of Court 3.769(h);

WHEREAS the Settlement provides that Plaintiffs will dismiss this action with prejudice within 28 days that the Final Approval Order becomes a final, non-appealable order;

WHEREAS, on or around September 24, 2022, non-parties John Linn and Mark Molina filed a motion to set aside and vacate judgment in *Hamilton* II, which the trial court denied on November 14, 2022;

WHEREAS, on December 1, 2022, non-parties filed a notice of appeal concerning the order denying the motion to set aside and vacate judgment in *Hamilton II*;

WHEREAS the Respondents' Briefs are currently due December 26, 2023;

WHEREAS once Respondents' Briefs are filed, non-party Appellants will have 20 days thereafter to file their reply, if any, per California Rule of Court 8.212, which will be January 5, 2024 at the earliest;

NOW THEREFORE, the Parties hereby jointly request that this Court continue the December 4, 2023 Status Conference for a period of four (4) months, or March 4, 2024, or as soon thereafter as the Court's calendar permits.

1 DATED: November 17, 2023

2 OGLETREE, DEAKINS, NASH, SMOAK &
3 STEWART, P.C.

4 By: /s/ Melis Atalay
5 Evan R. Moses
6 Melis Atalay

7 Attorneys for Defendant
8 HEAVENLY VALLEY LIMITED
9 PARTNERSHIP

10 DATED: November 17, 2023

11 KING & SIEGEL LLP

12 By: /s/ Elliot J. Siegel
13 Julian Burns King
14 Elliot J. Siegel

15 Attorneys for Plaintiff
16 ADAM HEGGEN

ORDER

The Court having reviewed the foregoing stipulation, and GOOD CAUSE APPEARING THEREFOR, the Court orders as follows:

(1) The Parties shall file a Joint Status Report addressing the status of the Settlement and any additional information that the Court requires no later than **March 11, 2024**.

(2) A Status Conference Re Class Action Settlement is set for **March 25, 2024 at 1:30 p.m.**

IT IS SO ORDERED.

Dated: November 20, 2023

William H. Schubert

**WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE**